

Applicants: Mary Cismowski et al.
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Remarks

Claims 30-41 and 52-78 are pending in the subject application.

Restriction Requirement

In the Restriction Requirement issued on November 26, 2004, the Examiner required restriction to one of the following allegedly distinct inventions as follows:

- I. Claims 30-41 and 72-78, drawn to a method for identifying a compound that modulates signal transduction in a cell comprising determining the effect of a test compound on the activity of an AGS protein;
- II. Claims 52-54, drawn to a method for detecting the presence of an AGS protein in a biological sample comprising contacting a biological sample with an agent capable of detecting the AGS protein or mRNA; and
- III. Claims 55-71, drawn to a method for identifying a compound that activates a signal transduction pathway in a cell comprising contacting a cell that undergoes a measurable change when the signal transduction pathway is activated and determining if the test compound causes a measurable change.

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The Examiner alleged that the inventions are distinct from one another because they are drawn to distinct methods limited to comprising different process steps and directed to different outcomes.

In response, applicants hereby elect, with traverse, Group I for the purposes of preliminary examination.

However, applicants draw the Examiner's attention to M.P.E.P. Section 803 which states:

If the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (Emphasis added)

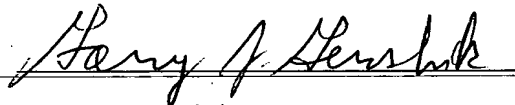
Applicants contend that there is no serious burden on the Examiner to examine the additional claims of Groups II and III along with the examination of the claims of Group I. Consequently, applicants respectfully request that the Examiner reconsider and withdraw this restriction requirement with respect to Groups II and III.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee is deemed necessary in connection with the filing of this Response. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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